



N A R U C  
National Association of Regulatory Utility Commissioners

April 26, 2011

Honorable Lee Hamilton  
Lieutenant General Brent Scowcroft  
Co-Chairmen  
Blue Ribbon Commission on America's  
Nuclear Future  
1000 Independence Ave. SW  
Washington, DC 20585

**Re: Comments on "What We Heard" about Decommissioned Sites**

Dear Co-Chairman Hamilton and  
Co-Chairman Scowcroft:

Through an oversight on my part in preparing the comments on the *What We Heard* staff report I provided to the Commission on April 20, I failed to include further re-emphasis on the need for priority action on relocating spent fuel now stored at the otherwise decommissioned reactor sites. I would like to echo the comments provided to the Commission by Mr. Wayne Norton on behalf of the Decommissioning Plant Coalition that cited the extensive support for removing the spent fuel that is stranded at those sites that was presented at several BRC meetings and in correspondence from and to various members of Congress or Committees.

In the written testimony submitted with my remarks before the Transportation and Storage Subcommittee at the August 12, 2010 meeting in Wiscasset, Maine I urged that the Commission consider submitting an interim recommendation to the Secretary that fall so that DOE could submit legislative language with the FY 2012 Budget seeking authorization for DOE to create and eventually operate a centralized interim storage facility for the stranded spent fuel from the decommissioned sites (since DOE had taken the position in a 2008 report to Congress that it lacked authority to "store" spent fuel from those or any other sites—even though it is in partial breach of contracts with most reactor owners to remove the waste on its way to a repository that was to have begun in 1998).

Since the Wiscasset meeting, the MIT study on the Future of the Nuclear Fuel Cycle recommended that the U.S. "move toward centralized SNF storage sites—starting initially with SNF from decommissioned sites and in support of a long-term SNF management strategy." Aside from some who are apparently of the view that spent fuel cannot be safely transported anywhere for any purpose, there seems to be a broad consensus view that the benefits of removing that less than 3,000 tons from those nine locations to a central location, designed,

licensed and managed to the latest safety and security requirements far outweighs what minimal transport or other risk there might be and such consolidation just makes good sense. Further benefits would be the return to other productive use of the reclaimed storage sites once freed up by the waste removal.

The *What We Heard* report, in the Program Governance and Execution section discussed the erosion of trust issue that some referred to in testimony as well the “widely held view” that the current program structure (maybe it is better described as the “previous” program structure since OCRWM has been dismantled) is unsuitable going forward” and that the new management/disposal might regain some trust and be more effective if shifted to a “new entity.” We recognize that is what the Commission heard, not a position that it has recommended to this point. I would say that whether it is a task given to a repurposed DOE or as the initial task given to a new entity to establish itself as a credible and effective force to achieve short and long-term mission success, the relocation and consolidation of spent fuel from the decommissioned plant sites presents an opportunity to demonstrate the ability to “get things done.”

We said in previous comments that we agreed with the notion of a new entity, but a lot of work needs to be done and details to be hammered out before it would be up and running, but maybe a confidence-building first operational assignment could be to consolidate the decommissioned fuel. If DOE retains the waste program management responsibility, we would suggest the DOE Office of Environmental Management (EM) be assigned to the interim storage consolidation mission to get it started as the permanent program management organization gets re-established. We have been impressed with the EM project management focus as well as their generally well-regarded ability to work with local communities.

We don’t want to underestimate that the matter of choosing a suitable site is the most challenging part of the consolidation initiative. It may seem like a straightforward logistics project to a fuel management engineer, but it will take a team of patient colleagues with good communications skills to succeed. It would also be helpful if a respectful attitude of partnership with candidate locations could be established and the door be kept open for possible incentives related to project impacts, such as the NWSA Sections 116 and 180(c) and other benefits.

In summary, we urge the Commission to place priority in its draft report and recommendations on the special cases of the shutdown reactor spent fuel for early attention once the policy and implementation courses are set. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brian O'Connell', with a stylized flourish at the end.

Brian O'Connell

Director

Nuclear Waste Program Office